

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

NADEZDA STEELE-WARRICK,
individually and on behalf of all others
similarly situated,

Plaintiff

vs.

MICROGENICS CORPORATION AND
THERMO FISHER SCIENTIFIC INC.,

Defendants

Hon. Vera M. Scanlon

CASE 1:19-cv-06558-VMS

**DEFENDANT MICROGENICS
CORPORATION'S NOTICE OF
PARTIAL MOTION TO DISMISS
PLAINTIFF'S SECOND AMENDED
CLASS ACTION COMPLAINT**

PLEASE TAKE NOTICE that Defendant Microgenics Corporation shall move before the Honorable Vera M. Scanlon, United States Magistrate Judge, on a date and at a time to be set by the Court, for an Order pursuant to Rules 12(b)(6) of the Federal Rules of Civil Procedure dismissing with prejudice the Second, Third, and Fourth Causes of Action in Plaintiff's Second Amended Class Action Complaint for failure to state a claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE that Microgenics Corporation shall rely upon the accompanying Memorandum of Law in support of its Motion, and upon the record and pleadings filed herein.

Respectfully submitted,

Dated: June 10, 2021.

s/Nathan J. Marcusen

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